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10/574,328

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EXAMINER

AGA, SORI A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/574,328 | Applicant(s) SCHAEFER ET AL. | |
| | Examiner SORI A. AGA | Art Unit 2476 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/21/2010 has been entered.

Applicant's amendment and accompanying remarks mailed 01/21/2010 has been carefully considered. Claims 1 is amended. Claim 7 is cancelled. Claims 1-6 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perrot (US 20060156362 A1) (herein after Perrot) in view of Ohno et al. (US 20030149985 A1) herein after (Ohno).

Regarding claim 1, Perrot teaches a method of discovery, by a terminal connected to an Internet Protocol (IP) type network, of Digital Video Broadcast (DVB) services on the IP

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type network [see **fig. 3** where a STB (terminal) is connected to an ISP (internet type protocol) and paragraph 001 where multimedia services of DVB compliant type are delivered in said networks to the terminal], wherein it comprises at least the following steps:

- the terminal uses a first IP transmission address and a first port number to receive a transport stream transmitted to said first IP address on said first port [see **paragraph 0019 lines 1-9** where a stream of packetized data is received and the data is inserted and delivered via IP multicast at a predetermined offer localization. (see paragraph 0068 where localization is shown to include IP address and port number)];
- the terminal extracts from the said stream at least the networks information [see **paragraph 0039 lines 1-4** where the STP extracts the discovery information (networks information)];
- the descriptors of networks contained in the said networks information designating second IP transmission addresses and second associated ports [see **paragraph 0046 lines 1-9** where the discovery information received includes a proprietary IP address and a port number for a service], the terminal connects to at least part of the transport streams transmitted to the said second IP transmission addresses on the said second associated ports so as to read the associated service description [see **paragraph 0073** where the receiver of the STB tunes to the multicast localizations including the IP address and port obtained];

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-the terminal uses information comprised in the networks information and in the service description to construct a possibly unitary list of the services available on the network **[see paragraph 0075 where DVB service information contained in the transport streams is used to build an electronic program guide]**.

However, Perrot does not explicitly teach the networks information is a Networks Information Table (NIT) and a Service Description Table (SDT). However, Ohno in the same field of endeavor teaches using NIT and SDT tables in DVB transmissions in IP environment **[see paragraphs 0046, 0051, 0111 and 0117]**. It would have been obvious for a person having ordinary skill in the art to use NIT and SDT tables for carrying the networks information and service description disclosed in Perrot. It is advantageous to use NIT and SDT tables in an IP environment in order to provide a receiving apparatus which, even if an instruction to change a channel is received during downloading of television broadcast data, makes it possible to surely download the data which is being downloaded. (see Ohno paragraph 0008).

Regarding claim 4, the method according to Claim 1 where the streams contain only a single DVB service **[see paragraph 0021 where the service selection may be from one (single) OR more offers]**.

Regarding claim 5, Perrot teaches the method according to Claim 1 as discussed above. Perrot also teaches the list of services is included in the network information contained in

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the stream available at the first IP transmission address on the first port [see paragraph 0021]. However, Perrot does not explicitly teach the networks information is a Networks Information Table (NIT). However, Ohno in the same field of endeavor teaches using NIT and SDT tables in DVB transmissions in IP environment [see paragraphs 0046, 0051, 0111 and 0117]. It would have been obvious for a person having ordinary skill in the art to use NIT table for carrying the networks information and service description disclosed in Perrot. It is advantageous to use SDT table in an IP environment in order to provide a receiving apparatus which, even if an instruction to change a channel is received during downloading of television broadcast data, makes it possible to surely download the data which is being downloaded. (see Ohno paragraph 0008).

Regarding claim 6, Perrot teaches a device possessing means to connect to an Internet Protocol (IP) transmission address via means of connection to an IP network [see fig. 3 where a STB (device possessing means) is connected to an ISP (internet type protocol) and paragraph 001 where multimedia services of DVB compliant type are delivered in said networks to the terminal; see also paragraph 0019 lines 1-9 where a stream of packetized data is received and the data is inserted and delivered via IP multicast at a predetermined offer localization. (see paragraph 0068 where localization is shown to include IP address))] and a decoder of Digital Video Broadcast (DVB) transport streams transmitted to this IP transmission address, wherein said decoder of DVB transport streams has the capacity to analyze a networks information, extracted from a transport stream [see paragraph 0039 lines 1-4 where the

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STP extracts the discovery information (networks information). See also paragraph 0004 lines 1-4], containing network descriptors suitable for the IP network and to connect to each IP transmission address described in the said networks information so as to read therefrom a DVB transport stream and extract therefrom the information on the services offered on the network **[see paragraph 0073 where the receiver of the STB tunes to the multicast localizations including the IP address and port obtained].**

However, Perrot does not explicitly teach the networks information is a Networks Information Table (NIT). However, Ohno in the same field of endeavor teaches using NIT and SDT tables in DVB transmissions in IP environment **[see paragraphs 0046, 0051, 0111 and 0117].** It would have been obvious for a person having ordinary skill in the art to use NIT table for carrying the networks information and service description disclosed in Perrot. It is advantageous to use SDT table in an IP environment in order to provide a receiving apparatus which, even if an instruction to change a channel is received during downloading of television broadcast data, makes it possible to surely download the data which is being downloaded. (See Ohno paragraph 0008).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrot and Ohno as applied to claims 1 and 4-6 above, and further in view of Cao (US 2004/0187161) (herein after Cao).

Regarding claim 2, Perrot teaches the method according to Claim 1 as discussed above.

However, Perrot does not explicitly teach the first IP transmission address and the first port number are entered by the user. However, Cao teaches a first IP transmission address

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and a first port number are entered by the user [see paragraph 0046 line 11] **where the IP address and port number are configured by the distributor (user)**]. It would have been obvious for a person having ordinary skill in the art to enter the first IP address and Port number in the STB of Perrot since it is desired have the STB know where to obtain the offer information which is required to obtain the a transport stream (see Perrot paragraph 0056).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perrot and Ohno as applied to claims 1 and 4-7 above, and further in view of Van Willingen (US 7,386,879) (herein after Van Willingen).

Regarding claim 3, Perrot teaches the method according to Claim 1 as discussed above.

However, Perrot does not explicitly teach the first IP address and the first port number are obtained from the network by the terminal. However, Van Willingen, in the same field of endeavor teaches [see column 4 lines 44-47 **where a terminal in a DVB system sends a DHCP request to obtain an IP message**]. It would have been obvious for a person having ordinary skill in the art to enable the terminal automatically acquire an IP address and port number in order to allow a new terminal to be added to the network with no need for manual configuration.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SORI A. AGA whose telephone number is (571)270-1868. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. A./
Examiner, Art Unit 2476
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2476